

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3434 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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H P RAJIYAGURU

Versus

H P TRIVEDI & OTHERS

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Appearance:

MR RJ OZA for the Petitioner

MR KETAN DAVE for the respondent.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/08/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioner is challenging the order of learned Tribunal made in Application No.19 of 1982 and 79 of 1983 dated 15th July, 1983. Under the order impugned in this Special Civil Application, the appointment of the petitioner as supervisor in the opponent school was declared to be invalid and inoperative in law. It has further been declared that the applicant, Chimanlal H. Parekh in Application No.79 of 1983, respondent no.2

herein, is entitled to be appointed as supervisor on the basis of merits. The direction was issued to the management to give the appointment to Shri Parekh.

2. The counsel for the petitioner does not dispute that for appointment on the post of supervisor in secondary school, the experience of a teacher in the secondary school or any training college for secondary teachers should be taken into consideration for awarding the marks for experience. The circular which has been issued by the Government Secondary Education Board in this respect is also clearly spelled out in the aforesaid requirement. The counsel for the petitioner admits that the petitioner was not having any experience of teaching either in the secondary school or in a training college for secondary teachers. The petitioner has served in a training school for primary teachers, and as such, the marks which have been given to him for the experience could not have been given. If those marks are excluded then there remains no dispute that the respondent no.2 stands higher in merits. The learned Tribunal has not committed any error in passing of the impugned order which calls for interference of this Court sitting under Article 227 of the Constitution of India.

3. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

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